

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, March 19, 2013 at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

Present: Messrs. Cermele, Colavita, Geter and Vereen and Mrs. Zamonski; Robert Filler, Executive Director and W. Barry Rank, Esquire.

Absent and excused: Mr. DiFrancesco

Also attending: Allan Jacobs, Jacobs Environmental Consulting; Vance Stephens, ELSA Administrative Officer and Jim McManimon, Ewing Administrator.

Mr. Cermele called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Cermele advised that all requirements of the Local Public Meetings Act have been met. He also advised that any contracts awarded today would comply with the requirements of P.L. 1975, c. 127 (N.J.A.C. 17:27).

Res. 34:13. On motion of Mr. Vereen and seconded by Mr. Geter it was moved that the February 19, 2013 Reorganization and Regular meeting minutes be approved as presented.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Mr. DiFrancesco.

Abstain: Mr. Colavita.

Res. 35:13. On motion of Mr. Colavita and seconded by Mrs. Zamonski it was moved that the February 2013 Flow, Maintenance and Connection Reports be filed.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Mr. DiFrancesco.

Res. 36:13. On motion of Mrs. Zamonski and seconded by Mr. Vereen it was moved that the Schedule of Bills for March 19, 2013 in the total amount of \$1,408,592.67 be accepted.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Mr. DiFrancesco.

There was no public participation.

Mr. Colavita reported he has heard that Ewing and Lawrence want to appoint alternate members to the ELSA Board as well as alternate ELSA meetings between day and night

meetings. Mr. McManimon advised that as a result of meetings between Ewing and Lawrence representatives, he was here to convey a message from the Ewing Mayor and Council that it is their desire to appoint alternate members to the ELSA Board and for the Authority to alternate between day and evening meetings. Mr. Rank advised that he has reviewed the statute and it allows for between one and three members being appointed to authorities, but it is silent with regard to alternates. He further advised that the Land Use Ordinance does provide for alternates (i.e. Planning Board, Zoning Boards). It is his opinion that the Townships are not permitted to appoint alternate members to the Authority. Mr. Rank advised that he would call the attorneys for Ewing and Lawrence to discuss. The ELSA Board Members were concerned that neither they nor the Executive Director have been included in the meetings between Ewing and Lawrence representatives when discussing ELSA and requested that they be invited to any future meetings. Mr. McManimon advised that he would convey the Authority's concerns to Ewing's Mayor Council.

Mr. Filler reported that the Regional Sludge Management Committee met on February 27, 2013. The standstill agreement with Trenton Fuel has been extended to August 2013. Trenton Fuel is current will all payments. Debt Service payments for the Sludge Facility will end at the end of 2015.

Mr. Filler reported that bids were received on February 28, 2013 for Maintenance, Emergency Repair Service, Replacements and/or Additions for Sewerage Lines. Two bids were received as follows:

Joseph Jingoli & Son, Inc. Lawrenceville, NJ	\$120,814.00
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Waters & Bugbee, Inc. Trenton, NJ	\$125,844.24
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William Hill recommends that the contract be awarded to Joseph Jingoli & Son, Inc. as the lowest responsible, responsive bidder.

Res. 37:13. On motion of Mr. Geter and seconded by Mrs. Zamonski it was moved that the contract for Maintenance, Emergency Repair Service, Replacements and/or Additions for Sewerage Lines be awarded to Joseph Jingoli & Son, Inc. of Lawrenceville, New Jersey for a one-year period in accordance with their bid received February 28, 2013.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Mr. DiFrancesco.

Mr. Jacobs recommended granting final approval for the proposed 3,722 square foot, 275 seat capacity Brio Restaurant at the Quakerbridge Mall subject to the comments in his letter dated March 15, 2013.

Res. 38:13. On motion of Mrs. Zamonski and seconded by Mr. Vereen the following resolution was presented for adoption:

WHEREAS, QUAKERBRIDGE MALL (BRIO RESTAURANT) proposes construction of A 3,722 square foot 275 seat capacity restaurant at the Quakerbridge Mall in Lawrence Township; and

WHEREAS, the EWING-LAWRENCE SEWERAGE AUTHORITY (the "Authority") considered the application of the Developer to connect its proposed facility to the Authority's sewerage system;

NOW, THEREFORE BE IT RESOLVED that the proposed connection for the Developer's proposed Development to the Authority's sewerage system is approved, subject to the following conditions:

1. The connection to the Authority's sewerage system is subject to a determination by the Authority and any responsible regulatory agency (e.g., the United States Environmental Protection Agency and the New Jersey Department of Environmental Protection) at the time of connection that there is adequate capacity in such system to serve the Developer's proposed Development.

2. In the event that the Authority is unable to serve the Developer's proposed development at the time of connection because of inadequate capacity or for any other reason, the Developer shall have no right of action or recourse against the Authority.

3. The Developer, at its own cost, shall provide "as-built" plans for the sewerage system in a manner acceptable to the Authority's Engineer prior to the issuance of a Certificate of Occupancy by the Township.

4. The Developer, at its own cost, shall provide all necessary easements to the Authority upon the request of the Authority.

5. The Developer shall revise its utility plans in accordance with such recommendations as the Authority's Engineer shall specify.

6. The Executive Director is hereby authorized to execute all forms necessary to obtain a NJDEP Permit.

7. The Authority hereby endorses this project and further certifies that said project meets the 201 Agency requirements and expects to continue to meet the NJPDES Permit requirements.

8. This final approval granted pursuant to this Resolution shall expire two (2) years from the date hereof.

9. The developer shall pay the appropriate connection and inspection fees.

10. The sewers shall conform to the Authority's Rules and Regulations.

11. This approval is subject to acceptance of the comments and conditions outlined in Jacobs Environmental Consulting's letter dated March 15, 2013.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Mr. DiFrancesco.

Mr. Filler reported that quotations were received for prescription insurance coverage from three providers. The Authority's current provider, Bollinger, Inc. submitted a quote representing an increase of 4.5% over their current rates. GS Pops and Maxor submitted quotes representing increases of 5.48% and 7.2% respectively. Mr. Stephens recommended accepting the proposal submitted by Bollinger, Inc.

Res. 39:13. On motion of Mr. Geter and seconded by Mr. Vereen it was moved that the Authority accept the proposal submitted by Bollinger, Inc. for the Authority's prescription coverage.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Mr. DiFrancesco.

Mr. Rank requested that his employment status be changed from him being hired as an employee to the law firm that he works for, Pellettieri, Rabstein & Altman, being appointed as counsel to the Authority. During the process of changing insurance carriers it was brought to their attention that Mr. Rank would not be covered by the firm's insurance as of employee as ELSA.

Res. 40:13. On motion of Mr. Geter and seconded by Mr. Vereen the following resolution was presented for adoption:

RESOLUTION AUTHORIZING THE APPOINTMENT OF A PROFESSIONAL  
ATTORNEY

WHEREAS, the Ewing-Lawrence Sewage Authority has a need to acquire a professional attorney as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.4 or 20.5 as appropriate*; and,

WHEREAS, the Administrative Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this appointment is one (1) year or until the Authority's February 2014 Reorganization meeting; and

WHEREAS, Pellettieri, Rabstein & Altman has submitted a proposal dated indicating they will provide professional legal services in accordance with their proposal dated March 12, 2013; and

WHEREAS, pursuant to Local Finance Notice ( LFN ) 2005-32 Pellettieri, Rabstein & Altman and their proposal are not covered by the pay-to-play legislation; and

WHEREAS, a certification of availability of funds is attached and the costs for this appointment shall be charged to the Authority's Salaries/Lawyer account; and

NOW THEREFORE, BE IT RESOLVED that the Ewing-Lawrence Sewerage Authority hereby appoints Pellettieri, Rabstein & Altman as described herein; and,

BE IT FURTHER RESOLVED that LFN 2005-32 will be made part of Pellettieri, Rabstein & Altman's file; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Trenton Times as required by law within (10) days of its passage.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Mr. DiFrancesco.

Mr. Jacobs recommended granting final approval for The Gardens at Birmingham subject to the comments in his letter dated March 15, 2013. Mr. Rank recused himself from this discussion and left the room.

Res. 41:13. On motion of Mrs. Zamonski and seconded by Mr. Geter the following resolution was presented to adoption:

WHEREAS, THE GARDENS AT BIRMINGHAM proposes construction of 48 residential dwelling units on the north side of Parkway Avenue just east of the Conrail tracks and the former US Naval Facility in Ewing Township; and

WHEREAS, the EWING-LAWRENCE SEWERAGE AUTHORITY (the "Authority") considered the application of the Developer to connect its proposed facility to the Authority's sewerage system;

NOW, THEREFORE BE IT RESOLVED that the proposed connection for the Developer's proposed Development to the Authority's sewerage system is approved, subject to the following conditions:

1. The connection to the Authority's sewerage system is subject to a determination by the Authority and any responsible regulatory agency (e.g., the United States Environmental Protection Agency and the New Jersey Department of Environmental Protection) at the time of

connection that there is adequate capacity in such system to serve the Developer's proposed Development.

2. In the event that the Authority is unable to serve the Developer's proposed development at the time of connection because of inadequate capacity or for any other reason, the Developer shall have no right of action or recourse against the Authority.

3. The Developer, at its own cost, shall provide "as-built" plans for the sewerage system in a manner acceptable to the Authority's Engineer prior to the issuance of a Certificate of Occupancy by the Township.

4. The Developer, at its own cost, shall provide all necessary easements to the Authority upon the request of the Authority.

5. The Developer shall revise its utility plans in accordance with such recommendations as the Authority's Engineer shall specify.

6. The Executive Director is hereby authorized to execute all forms necessary to obtain a NJDEP Permit.

7. The Authority hereby endorses this project and further certifies that said project meets the 201 Agency requirements and expects to continue to meet the NJPDES Permit requirements.

8. This final approval granted pursuant to this Resolution shall expire two (2) years from the date hereof.

9. The developer shall pay the appropriate connection and inspection fees.

10. The sewers shall conform to the Authority's Rules and Regulations.

11. This approval is subject to acceptance of the comments and conditions outlined in Jacobs Environmental Consulting's letter dated March 15, 2013.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Mr. DiFrancesco.

Mr. Rank returned to the meeting.

Mr. Filler reported that the Authority received a request for sewer service from Nagil Vira for his property at 838 Village Road West in West Windsor Township. Mr. Jacobs has reviewed the request and advises that the property is in the West Windsor Service Area and service would be provided by Stony Brook Regional Sewerage Authority. It was agreed that the Authority should advise Mr. Vira that his first step would be to approach West Windsor and Stony Brook Regional Sewerage Authority with regard to sewer service to this property.

Mr. Filler reported that he received a letter from Hopewell Township with regard to sewer service for the Merrill/Lynch/SansomePacific/West side of Scotch Road property. Hopewell Townships advises: Hopewell Township has no specific parameters for sewer trunk main locations or force mains serving this property. Hopewell Township further advises: "Significant efforts were made by Hopewell Township to prevent properties fronting on Scotch Road and not located within a designated sewer service area on the Wastewater Management Plan from having access to any sewer mains. As such there should be no sewer mains located in the public right of way of Scotch Road. Sewer mains located within the campus and serving specific buildings will be subject to Hopewell Township Planning board review." ELSA's Engineering Committee will meet and submit recommendations to the ELSA Board at the April meeting.

A public hearing for the proposed amendment to the Mercer County Water Quality Management Plan is scheduled for April 10, 2013.

A meeting will be held on April 13, 2013 with representatives of Trojan UV regarding the proposed UV installation at the ELSA Plant.

Mr. Geter suggested that Mr. Filler send a letter to Hopewell Township asking when they will have the backup pump at the Brandon Farms Pump Station repaired.

Mr. Filler requested an allocation of \$10,000 for Jacobs Environmental Consulting for work on the Facilities Upgrade project.

Res. 42:13. On motion of Mr. Colavita and seconded by Mrs. Zamonski it was moved that the Authority provide an allocation of \$10,000 for Jacobs Environmental Consulting for work on the Facilities Upgrade project.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Mr. DiFrancesco.

Res. 43:13. On motion of Mr. Geter and seconded by Mr. Colavita the meeting was adjourned at 1:30 P.M.

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Pasquale Colavita, Secretary